IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

-

WRIT PETITION NO : 18323 of 2004

Between:

M.Mallesham, S/o.Mosaiah,
(Under orders of cancellation of selection) APSRTC, Yadagirigutta Depot, Nalgonda Dist.

..... PETITIONER

AND

1 The Regional Manager, APSRTC, Nalgonda Region,

Nalgonda Dist.
2 The Depot Manager, APSRTC., Yadagirigutta Depot,

Yadagirigutta, Nalgonda Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of certiorari issuing rule nisi and call for the records leading up to inclusive of proceedings dt.23-7-2002 communicated on 31-7-2002 in No.P1/255(3)/2002-RM:N, issued by the 1st respondent herein and quash the same by declaring the same as illegal, arbitrary and violative of rights guaranteed under Article 21 of the constitution of India..

Counsel for the Petitioner: MR.V.MALLIK

Counsel for the Respondent Nos.1 & 2: MR.V.T.M.PRASAD

The Court made the following :

ORDER:

The petitioner worked as a casual conductor in the respondent-corporation . He was selected as a conductor in the regular selection and his name was kept in the list of selected conductors. While he was working as a Conductor, he was removed from service on cash and ticket irregularities. Subsequently, through an award of the Lok Adalat dated 24-3-2000 in Industrial Dispute No.218 of 1999, he was reinstated into service as a fresh conductor and he was re-engaged with effect from 2-6-2000. While he was working, he received a notice on 6-6-2002 calling for his explanation as to why his name should not be deleted from the selected list of candidates for his failure to attend the duty after receipt of a communication. The petitioner submitted his explanation on 2-7-2002 pleading that he did not receive the earlier communication. Therefore the 1st respondent issued the impugned proceedings dated 23-7-2002 mentioning that his name has been deleted from the list of selected conductors. The petitioner further submits that he was not given sufficient opportunity to represent his case and the deletion of the name from the list of selected conductors amounts to a major punishment. Therefore, imposition of the said punishment without conducting any enquiry, is illegal and it is liable to be set aside.

The only allegation against the petitioner is that the petitioner failed to report to duty for engagement on daily wage basis as a conductor in April 2002 in pursuance of the office letter as well as daily newspaper. Therefore, the respondent came to a conclusion that the petitioner was not interested in his employment. Accordingly, the respondent found the explanation given by the petitioner was not satisfactory and

deleted his name from the list of selected candidates. Since the respondent passed the impugned order without conducting any enquiry, it is liable to be set aside.

In the light of the above circumstances, the order of the respondent dated 23-7-2002 is set aside. The 1st respondent is directed to reinstate the name of the petitioner in the list of selected conductors and he shall be engaged in the capacity in which he previously worked as and when there is work. This order will not preclude the respondents from conducting any enquiry regarding the alleged absence of the petitioner from duty in April 2002 and pass appropriate orders according to rules and regulations.

The writ petition is accordingly disposed of. No costs.

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8-10-2004

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To

1 The Regional Manager, APSRTC, Nalgonda Region,

Nalgonda Dist.

2 The Depot Manager, APSRTC., Yadagirigutta Depot,

Yadagirigutta, Nalgonda Dist.

3 Two CD copies.